

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

NORTHERN BOTTLING CO., INC.,)	Case No. 4:15-CV-00133
)	
Plaintiff,)	
)	
v.)	Judge Daniel L. Hovland
)	Magistrate Judge Charles S. Miller, Jr.
)	
PEPSICO, INC.,)	
)	
Defendant.)	

AGREED MOTION TO AMEND SCHEDULING ORDER

Plaintiff Northern Bottling Co., Inc., and Defendant PepsiCo, Inc., through counsel, hereby move this Court to amend the Scheduling Order in this case. (*See* Dkt. 16, 28.) In support of the Motion, the Parties state as follows:

1. Under the current version of the Scheduling Order, the Parties have until January 14, 2017 to complete fact discovery and to file discovery motions. (Dkt. 28.)
2. The Parties will have conducted a substantial portion of the fact discovery in this case by January 14, 2017. However, the upcoming holidays and difficulties scheduling third parties for depositions in January necessitate this request for a short extension of the fact discovery period.
3. Accordingly, the Parties ask the Court to extend the fact discovery and discovery motion deadline an additional 17 days, to January 31, 2017, with similar extensions of related dates listed in the Scheduling Order.
4. Under the proposed revised schedule, the pertinent dates would be as follows:
 - a. The Parties shall have until January 31, 2017, to complete fact discovery and file discovery motions;
 - b. The Plaintiff shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) by February 20, 2017;

- c. The Defendant shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) by March 27, 2017;
- d. The parties shall have until May 1, 2017, to complete depositions of expert witnesses;
- e. The parties shall file any dispositive motions by June 1, 2017.

5. The proposed scheduling changes are highlighted in the Amended Scheduling Order, attached hereto as Exhibit A.

WHEREFORE, Northern Bottling Co., Inc., and PepsiCo, Inc., respectfully request that the Court grant its Agreed Motion to Amend Scheduling Order and enter the Proposed Order Granting the Agreed Motion to Amend Scheduling Order attached as Exhibit A.

Dated: December 22, 2016

/s/ James Ragain

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2016, the following document:

1. AGREED MOTION TO AMEND SCHEDULING ORDER

was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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Dated this 22nd day of December, 2016.

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